

CPYRGHT

Bomber Trial

Count's Letters to Wife Ruled Inadmissible

A letter in which a French count told his wife that there would be a \$739,910 profit on the sale of some World War II type bombers to Portugal, was ruled inadmissible evidence Tuesday in the Federal Court conspiracy trial of two men.

Judge John O. Henderson ruled out three letters between Count Henri M. F. de Martin de Montmarin and his wife after hearing arguments from U.S. Atty. John T. Curtin and Edward Brodsky of New York City, attorney for de Montmarin.

The Paris businessman is on trial with John R. Hawke, 28-year-old pilot from Ft. Lauderdale, Fla., on charges of conspiring to violate the Munitions Control Act. Seven of the twin-engined attack bombers actually were exported, the government says.

The trial went into its third week Tuesday and the government is expected to conclude its case today, possibly after calling one more witness. The defense is then expected to take over with Hawke himself making an early appearance on the stand.

The letters, taken by Customs agents from a black leather bag in the possession of de Montmarin at the time of his arrest in September, 1965, were described by Curtin as business letters in which de Montmarin asked his wife to act as his agent in dealings with European businessmen in connection with the bomber deal.

Not Connected With Case

Brodsky argued they were pri-

villeged communications between husband and wife. Judge Henderson skirted the problem by ruling they were not significantly connected with the government's case.

In one letter, de Montmarin told his wife the Portugese were paying \$1.5-million for the airplanes and that there would be a \$739,910 profit to be split three ways. "He was just telling her the prospects for the future as a man might," Judge Henderson said at one point in the argument.

With the letters ruled out, Curtin decided not to call the two Customs men who seized them. He said he "might" have one more witness for today.

Meanwhile, the question of whether Central Intelligence Agency officials will testify in the trial remained open.

CIA director Richard Helms and past CIA deputy director Richard Bissell were subpoenaed at the request of Edwin Marger of Miami Beach, Fla., attorney for Hawke. Marger said he would accept CIA General Counsel Lawrence R. Houston in place of Helms.

Curtin moved Tuesday to quash the subpoena for Bissell and that part of the subpoena for Helm which directs him to bring documents relating the case. Arguments on the motion have not been presented.

Marger claims the CIA secretly approved the bomber exports and that Hawke thought he was working for the government.